

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

RICARDO LEE,

Defendant.

Case No. 1:02-CR-077

Senior Judge Weber

Government's Omnibus Response to Defendant's Motion to Modify or to Terminate Supervised Release Term and Motion to Deny United States or Bureau of Prisons Director an Extension of Time to Complete a 30 Day Psych Evaluation

Comes now the United States, through counsel, and responds to Defendant's Motion to Modify or to Terminate Supervised Release Term (Doc. 57) and Motion to Deny United States or Bureau of Prisons Director an Extension of Time to Complete a 30 Day Psych Evaluation (Doc. 58). For the reasons set forth below, this Court should deny the motions.

In the first of two pro se motions defendant Ricardo Lee filed on May 15, 2007, he asks this Court to modify or terminate his term of supervised release. (Doc. 57). The defendant does not deny the supervised release violations alleged by his probation officer but simply states that he should be discharged from custody immediately. Id. The United States contends that the defendant's motion lacks merit. First, the Court has not yet had the opportunity to determine whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Second, the parties have not appeared before the Court to state their positions concerning the supervised release violations. The United States submits the Court should deny the defendant's motion requesting his

immediate release and rule on the supervised release violations on a later date after the Court has heard from the defendant, who will have the assistance of counsel, the United States, and the U.S. Probation Officer.

In defendant Ricardo Lee's second motion, he asks this Court to deny an extension of time for the completion of his psychological examination. (Doc. 58). This Court should deny the defendant's motion as moot. The defendant arrived at FMC Devens on April 25, 2007. In accordance with the Court's Order (Doc. 54) and 18 U.S.C. § 4247(b), the defendant's examination was completed on May 25, 2007.

For the above-stated reasons, the United States respectfully requests that this Court deny the defendant's motions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Government's Omnibus Response to Defendant's Motion to Modify or to Terminate Supervised Release Term and Motion to Deny United States or Bureau of Prisons Director an Extension of Time to Complete a 30 Day Psych Evaluation was served this 1st day of June, 2007, electronically on: Richard Smith-Monahan, Attorney for defendant Ricardo Lee.

s/Deborah D. Grimes
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Assistant United States Attorney